Theater Business Clearance/ Contract Administration Delegation (TBC/CAD)

Brief to the PACCWG
iso
Annex W Development

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Purpose of TBC/CAD

TBC ensures:

(*1*) Contracted effort to be accomplished in designated area(s) of operations, along with any associated contractor personnel, is visible to the Combatant Commander;

(*2*) Contracted effort is in consonance with in-country commanders' plans;

(*3*) Solicitations and contracts contain appropriate terms and conditions;

(*4*) Contracted effort will be properly overseen in designated area(s) of operation;

(*5*) Any Government-furnished support requirements associated with contractor personnel are properly addressed in the contract terms and conditions.

CAD allows:

(*1*) The Combatant Commander to exercise control over the assignment of contract administration for that portion of contracted effort that relates to performance in or delivery to designated area(s) of operation.

(*2*) The Combatant Commander to exercise oversight to ensure the contractor's compliance with Combatant Commander and Subordinate Task Force Commander policies, directives, and terms and conditions.

Origin of TBC

- **DFARS 225.7401**
  - **Contracts Requiring Performance or Delivery in a Foreign Country**
  - **Requires compliance with procedures in PGI**

- **DFARS PGI 225.7401**
  - **Solicitations and contracts must address applicable host country and designated operational performance considerations**
  - **References DPAP CC Pages (procedures and guidance)**
  - **Requires compliance with Combatant Command Procedures (provides link to web pages)**
  - **Provides requiring activity checklist**

TBC/CAD

Evolution in the USCENTOM AOR

- **OCT 07 - Procedures for Contracting, Contracting Concurrence and Contract Oversight for I/A**
  - **Pre-award approval of SOW and conditions**
  - **Assign CAS to JCC-I/A**
- **NOV 07 - I/A TBC**
  - **Implements TBC Request/Review Checklist**
  - **Introduces JCC-I/A's CO's Guide to Special Requirements**
  - **Implements TBC Post Award Spreadsheet**
- **DEC 07 Retroactive I/A Contract Compliance and Assignment of CA**
- **FEB 08 TBC Review Notification Update and Assignment of Administration**
- **SEP 09 TBC/CAD Compliance**
- **JUN 10 TBC/CAD Update (C^3 standup, AOR expansion)**

TBC/CAD
Current Issues

- **TBC Awareness**
  - Multiple DPAP Policy Letters
  - Unfamiliarity with CENTCOM Site
  - Changing requirements
  - Why is this on contracting vice requirements side?
- **TBC Compliance**
  - Continual issue
  - Second and third order effects impact JFC
- **TBC Management and Control**
  - Manual process
  - Disconnected from other key systems (ie. SPOT)
  - Current state of technology does not allow achievement of higher level OCS goals (synchronization/integration)
  - Current Enforcement Mechanisms not optimal or timely
  - Existing process is unclassified

TBC/CAD
Challenges

- Simplifying TBC requirements to improve compliance
- Maintaining a high level of awareness among contracting officers
- Converting from a manual disconnected process to a web-based interconnected process
- Expectation management
- Achieving higher level OCS goals through use of this control mechanism
- Implementing timely enforcement mechanisms
- Measuring efficiency, effectiveness and compliance

TBC/CAD

OILs - Observations

- Difficult to push down and maintain compliance with policies not in DFARS
- Frequent updates/changes to theater requirements add to complexity and compliance problems
- External Support and Systems Support Contracting Officers generally not familiar with GCC web pages
- No matter what we do there will be a range of understanding and compliance
- Hard to get Kos stateside to understand why the requirements of the JFC trump those of the PM they work for
- KOs often do not know who is their downrange customer
- Lack of decision support tools and interconnectivity of data collection methods affect utility of TBC data to the Commander in terms of achieving higher level goals of synchronization and deconfliction

TBC/CAD

OILs - Insights

- Complexity is in the eye of the beholder!
- No matter what we do there will be a range of understanding and compliance
- You get what you inspect not what you expect
- We need to do a better job of pushing pertinent theater information to Kos, especially as it changes
- Ideally we want a structure that would allow us to be able to synchronize and deconflict at the requirements stage - however the current decentralized nature of requirements processing, disconnected requirements and systems and disparate funding streams have forced us to look to contracting

TBC/CAD

OILs - Lessons

- Codify TBC terminology and importance in DFARS
- Provide/offer training when theater policies affect stateside Kos
- Push TBC information to Kos through a subscription or other kind of “push” service
- Simplify the process to the extent possible
- Automate TBC process, federating or consolidating with existing systems to improve efficiency and compliance
- Implement compliance measures and controls

TBC/CAD

Future (To Be)

- Authoritative guidance, including entry/exit criteria, in joint doctrine and policy
- Connect to Annex W planning process
- One system for worldwide use
- Specific theater considerations and requirements posted to GCC web pages
- Info push process to maintain awareness
- No TBC, No LOA
- Standardized alert process for JOA actions
- Value for compliance and consequences for noncompliance

Evolution of TBC in CENTCOM

Current TBC

- Manual Process
  - Email Submission of Documents
  - TBC database maintenance
  - Data analysis/data mining difficult/data error prone/non-standard data elements
  - Approval process is built for speed, not control
  - Commander's intent not considered
  - CAS delegation/re-delegation
- Low Compliance Rate
  - Lack of awareness
  - Other reasons?
  - Loose controls – no way to determine if all actions submitted
  - SPOT LOA issuance not tied to TBC
  - DCMA has implemented process to refuse CCAS delegations for contracts not complying with TBC
- Other
  - KO's submitting requests not prepared to address issues

Test Period

- DOD Contracting Offices continue to comply with requirements for email submission and to insert mandatory clauses, arrange life support, delegate CAS and arrange for local contract oversight
- DPAP runs monthly reports to determine DODAACs that have issued contracts for performance in I/A
- Component SPEs provided reports and tasked to ensure their DODAACs' compliance with TBC/CAD requirements
- DPAP/C³ gain SA on contracting activities with contract performance in I/A
- FPDS-NG and contracts in SPOT with active LOAs in Iraq and Afghanistan bounced against each other and then the TBC database as a check of compliance and discrepancies disseminated to DoD Components for corrective action
- OSD LSS Project to improve and streamline the process
- DPAP/C³/BTA continue efforts to improve process, including synching databases and training

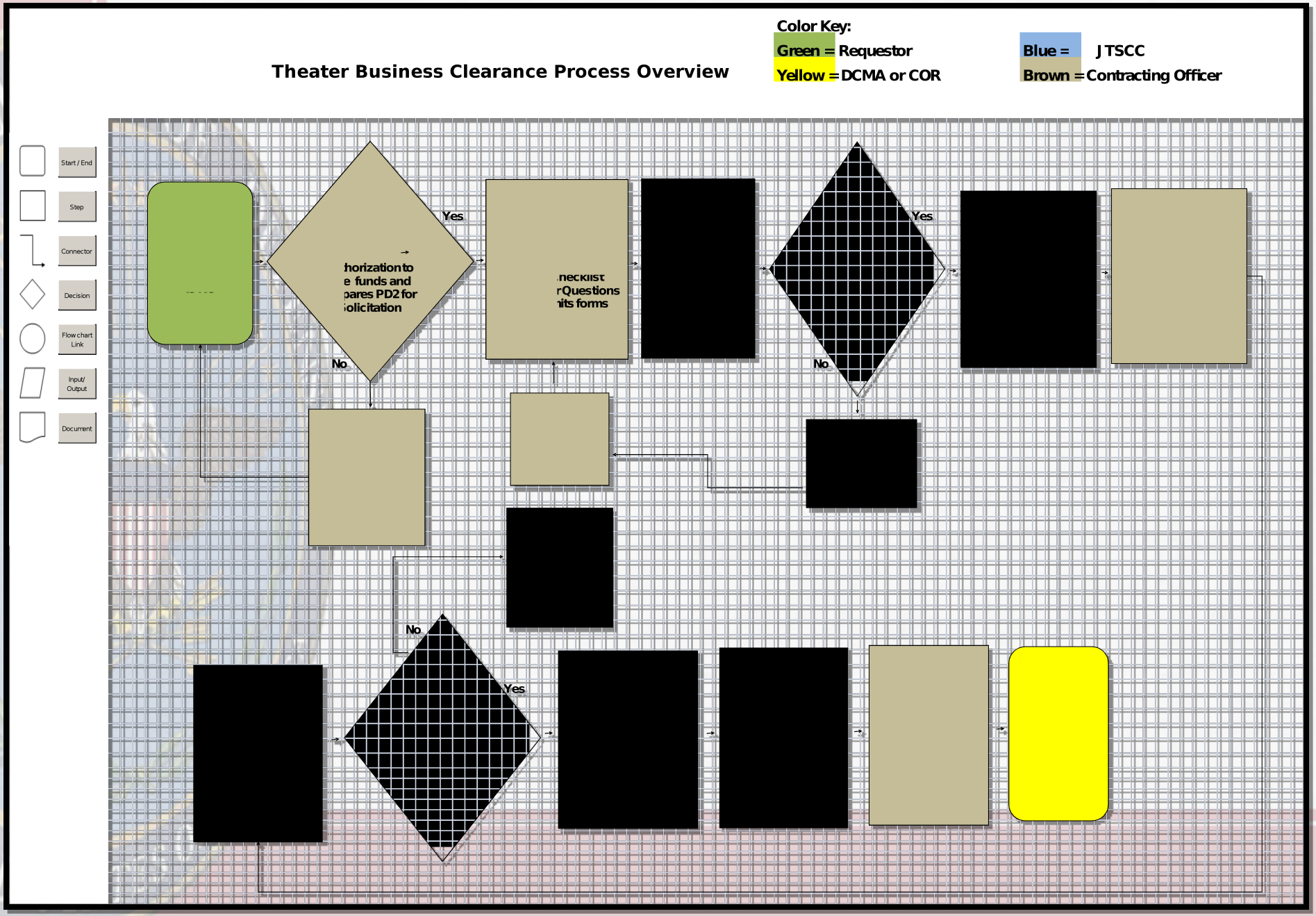
DPAP,C³, BTA and OSD LSS Black belt experts are working to streamline the process

Revised TBC

-Web-based process for TBC data entry and recording, with data elements EDA compliant
- Permanent TBC repository in EDA
- JFC is pushed reports with predetermined data that enables situational awareness of contracted support in JOAs and enables verification of compliance through EDA
- Controls in place to ensure TBC, including tying TBC to issuance of contractor LOAs
- TBC/CAD Guidance implemented in DFARS PGI
- Regular training and education process enabled,

TBC/CAD is a process whereby all contracting activities writing solicitations and contracts for delivery of contracted support to Iraq and Afghanistan must pre-clear them through C³ by submitting a TBC request, showing compliance with commander's intent, inserting mandatory provisions and clauses to comply with specific Commander's requirements, pre-arranging life support for contractor personnel, delegating contract administration for portion of work in I/A to C³ (typically re-delegated back,) and arranging for local contract oversight (CORs/ACOs).

NOTIONAL FUTURE TBC PROCESS



QUESTIONS???

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BACKUP SLIDES

Theater Business Clearance/Contract Administration Delegation (TBC/CAD)

- Background
- Description
- Process
- Changes/Updates
- Key Information
- Summary
- Future

Summary

- TBC provides battlefield insight and control
- TBC is not “personal clearance” to enter theater
- TBC required prior to Solicitation and Award
- TBC is a phased approach
- TBC is not a one-and-done process – must be current

Background/Authority

- Need - Establish visibility and meet Commander Intent
- Purpose - Provide contract insight/control
- Directives:
- USD AT&L Memo Oct 07 – JCC I/A Review All Contracts
- DPAPSS Clarification
  - Theater Business Clearance
  - Contract Administration Delegation
  - DPAP Deadline for compliance with TBC Apr 08
  - USD ATL Memo Reiterates TBC/CAD 15 Sep 09
- Joint Contracting Command Iraq Afghanistan Role
  - Award and administer contingency contracts
  - Overall DoD Contract Administration Responsibility
  - Approve TBC

Process/Description

- Theater Business Clearance versus Theater Clearance
- Theater Business Clearance
  - Provides AOR/CJOA common operating picture of contracts
  - Phase Process
    - Verify: Contract Need / Battlefield Commander Orders (FRAGOs)
    - Establish Optimal Contract Administration
    - Update during performance
  - Provide insight into the latest AOR/operation specific issues
  - Share lessons learned
  - Applies only to Iraq and Afghanistan for now

Process

- Access CENTCOM Contracts TBC source information
  - www2.centcom.mil/contracts
  - Most current versions
- Verify currency with all new/updated requirements
  - TBC Guide
  - TBC spreadsheet/tracker
  - Contract Administration Delegation Information
- Pre-solicitation and pre-award
- Approval with delegation or DCMA I/A delegation request
  - Key administration requirements
  - Commander Critical Information Reports
  - Synchronized Personnel Operational Tracker (SPOT)

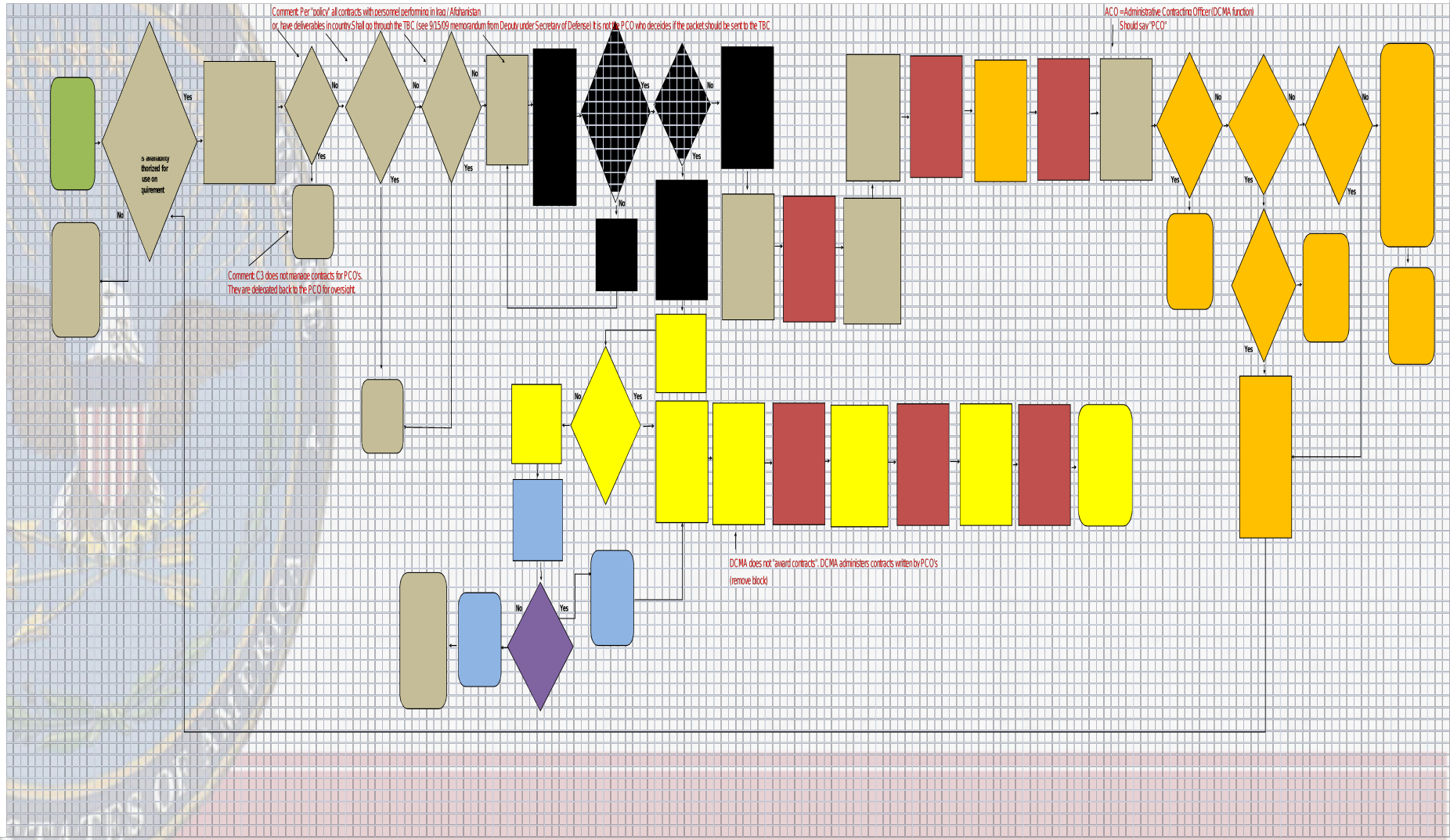
Changes / Updates

- **Joint Theater Support Contracting Command**
  - **DEPSEC DEF Memo (draft)**
  - **CENTCOM FRAGO**
  - **Coordinate/collaborate on all contracting efforts**
- **TBC expands to other areas: Kuwait and Pakistan**
- **“No TBC no SPOT LOA - No SPOT LOA no Deployment”**

Key Information

- **TBC web page: www2.centcom.mil/Contracts**
- **TBC submittals: jccia.tbc@conus.army.mil**
- **Questions: 210-808-0508 (DSN 420) 210-437-4487 (BB)**
- **E-mail: harvey.vonhollen@us.army.mil**

TBC AS IS – CENTCOM AOR


Color Key
Green : Requestor
Yellow = DCMA
Orange = COR
Blue = C3
Brown = Contracting Officer
Red = Contractor
Purple = Adiudication Board
Start / End
Step
Connector
Decision
Flowchart Link
Input / Output
Document
Comment: Per "policy" all contracts with personnel performing in Iraq / Afghanistan or, have deliverables in country, Shall go through the TBC (see 9/15/09 memorandum from Deputy under Secretary of Defense) It is not the PCO who decides if the packet should be sent to the TBC
ACO = Administrative Contracting Officer (DCMA function) Should say "PCO"
Comment: C3 does not manage contracts for PCO's. They are delegated back to the PCO for oversight.
DCMA does not "award contracts". DCMA administers contracts written by PCO's (remove block)
Yes
No

TBC/CAD Future

- **Short-term**
  - **Compliance has been problematic**
  - **Working with JCC-I/A, BTA and OSD Lean Six Sigma Program Office to streamline process and improve compliance**
  - **Ramp up education and training**
- **Long term**
  - **Intent to make this tool available to all GCCs**
  - **Update PGI 225.7401 to introduce TBC**
  - **Associated DPAP letter**
  - **Add content to Defense Acquisition Guidebook on this and other contingency acquisition matters**

Bottom Line:

REDUCE WORKLOAD IMPACT ON JFC AND PROVIDE THE BASIS FOR THE JFC TO BE ABLE TO UNDERSTAND AND MANAGE THE CAPABILITIES AND RISKS ASSOCIATED WITH CONTRACTED SUPPORT

Theater Business Clearance/Contract Administration Delegation (TBC/CAD)

- **Description: TBC/CAD is a set of policies and a process that allow CENTCOM/USF-I/USF-A to gain visibility and a level of control over all contracts executing or delivering in Iraq and Afghanistan**
- **Issue: Contracting Officers across DOD are not following TBC/CAD requirements**
- **Bottom Line: I need your help in ensuring that your contracting officers follow TBC/CAD requirements**

Theater Business Clearance/Contract Administration Delegation (TBC/CAD)

- Joint tool/process for giving the Joint Force Commander visibility and control of all contracted support executing or delivering to Iraq and Afghanistan
- Implemented through OSD and CENTCOM Contracting Command (formerly known as JCC-I/A) policies/procedures
- TBC/CAD ensures:
  - Solicitations/contracts comply with the Joint Force Commander's intent
  - Support requirements for contractor personnel are pre-arranged
  - Solicitations/contracts comply with commander's requirements, including integrating specific required provisions
  - Optimal contract administration/oversight of contract execution
- CENTCOM Contracting Command Role
  - Award and administer theater support contracts
  - Overall DoD Contract Administration Responsibility
  - Administer TBC guidance and process TBC requests

Complying with TBC

- Go to the Webpage that holds TBC/CAD documents
  - http://www.acq.osd.mil/dpap/pacc/cc/areas_of_responsibility.html
  - Click CENTCOM on map of world referenced in the link above. Latest TBC/CAD documents stored here (dated May 2010).
  - Key documents: TBC Request and Tracker, TBC Guide, CO's Guide for Special Requirements, FRAGO 1056, GO Approval Letter (for new work in Iraq) – latest documents dated May 2010
  - Complete TBC Request, update solicitation and contract documents with required clauses and submit with any other required paperwork to CCC for TBC/CAD clearance
- TBC submittals: jccia.tbc@conus.army.mil
- For assistance with TBC/CAD questions related to specific contract actions, please contact Mr. Harvey Vonhollen:
  - Phone: 210-808-0570 (DSN 420) 210-437-4487 (BB)
  - E-mail: harvey.vonhollen@us.army.mil

Key TBC/CAD Related Reference

- DPAP Contingency Contracting Policy
  - http://www.acq.osd.mil/dpap/pacc/cc/index.html
- PGI 225.74, Defense Contractors Outside the U.S.:
  - http://www.acq.osd.mil/dpap/dars/pgi/pgi_htm/PGI225_74.htm
- OSD TBC/CAD Policy Letters
  - http://www.acq.osd.mil/dpap/dars/pgi/pgi_htm/PGI225_74.htm#
- Combatant Command Contracting Pages
  - http://www.acq.osd.mil/dpap/pacc/cc/areas_of_responsibility.html
  - CENTCOM Contracting Page: Click CENTCOM on map of world referenced in the link above. All TBC/CAD documents are here.